

SUBJECT: Administrative Determination and Findings (D&F) Document Justifying Parking for Operations Staff at HHS National Capitol Region 440 Child Unaccompanied Children Facility

**Identification of the Agency, Contracting Activity and Document as an Administrative D&F:**

This document is an Administrative Determination and Findings justifying parking for operations staff at the Department of Health and Human Services (HHS) National Capitol Region 440 Child Unaccompanied Children Facility. HHS requires the use of appropriated funds to provide 275 parking spaces to accommodate contract staff who will operate the facility. HHS has requested a that the General Services Administration (GSA) pursue a lease of approximately 110,000 rentable square feet (RSF) to house unaccompanied children who are in the care of HHS Administration for Children and Families (ACF). On March 1, 2003, the Homeland Security Act of 2002, Section 462, transferred responsibilities for the care and placement of unaccompanied alien children (UAC) from the Commissioner of the Immigration and Naturalization Service to the Director of the Office of Refugee Resettlement (ORR), in ACF, an operational division of HHS. Having increased dramatically since 2012, the influx of UAC across the southwest border of the United States has resulted in an urgent humanitarian situation requiring a unified and coordinated federal response. The new 440-child shelter space in the National Capitol Region area is urgently needed to expand permanent bed capacity to accommodate UAC population being cared for by ACF ORR. The delineated area for facility is:

- Loudon County
- Prince William County
- Fairfax County
- Arlington County
- Fairfax City
- Arlington City

The exact location of the facility has not yet been determined.

**Nature and description of the action being approved:**

Failure to provide parking for employees will significantly impair HHS' ability to operate the facility for the following reasons:

The facility will be procured through a competitive acquisition. The location has not yet been determined. Given the delineated area, and the general scarcity of public transportation in Virginia, it is highly likely that staff providing care at the facility will not be able to get to work using public transportation.

Staff caring for children are required 24 hours a day at the facility. Three 8-hour work shifts will provide care during the course of the day. There will be a minimum of 147 staff at the facility during any given shift. Staff numbers are based upon staff to child

ratios established by Virginia State licensing requirements for residential childcare facilities. The government will be in violation of Virginia State licensing requirements if staff are not able to get to the facility to perform their duties.

Neither telework nor employee attrition is expected to significantly affect our parking needs during the term of the lease. Staff are required to be at the facility during work hours. Staff who leave through attrition are immediately replaced.

### **Citation of Appropriate Statute or Regulation as Basis for the D&F**

The facility will be to support the HHS ACF mission to care for unaccompanied alien children in accordance with the March 1, 2003, the Homeland Security Act of 2002, Section 462, which transferred responsibilities for the care the Immigration and Naturalization Service to the HHS ACF ORR.

Staff are required to be at the facility to care for children. Telework is not permitted.

Staff are not allowed to work flexible work schedules. They are required to be at the facility for their fixed 8-hour shift each day. Staff shifts typically overlap by 30 to 45 minutes to ensure adequate transition and continuity of operations. This will potentially result in up to 275 staff requiring parking spaces at the facility during shift changes.

The need to provide direct care for the unaccompanied children population at the facility dictates that the operations contractor ensure that staff are recruited and retained for the facility. Fluctuations in the number of staff at the facility are not expected to occur.

### **Statutory Authority allowing use of HHS Appropriation to Pay for Employee Parking:**

1. GAO B-322337 (2012);
2. 72 Comp. Gen. 139,141 (1993);
3. 63 Comp. Gen. at 272; and
4. 49 Comp. Gen. 476,480 (1970)

### **Justification Based upon Seven Additional Factors in Making the Determination of Significant Impairment to The Agency's Operating Efficiency:**

#### Daily Hours of Employment:

Employee's hours will be based upon three 8-hour work shifts performed each day at the facility. Employees will occupy the facility 24 hours a day 7 days a week including Federal holidays.

#### Amount of Overtime Work and Adequacy of Public Transportation During Regular and Overtime Periods:

Employees may be required to work overtime to ensure staff to child ratios required by Virginia State licensing requirements for Residential Child Care Facilities. Virginia State

licensing requires 1 staff for every 3 children in the facility. Approximately 430 children will occupy the facility.

Frequency of Public Transportation During Peak Periods:

The facility will be located in Northern Virginia but the exact location of the facility has not been determined. There are many areas within Northern Virginia that are not served by public transportation and in some areas public transportation is limited. Public transportation cannot be relied upon for getting staff to work especially considering operations will be conducted 24 hours a day.

Cost of Public Transportation:

The cost of public transportation cannot be determined, as the location of the facility has not yet been determined.

Location of Employee Residences in Relation to Place of Employment:

The place of employment has not yet been determined.

Parking Available in the Area:

The availability of parking in the area cannot be addressed, as the location of the facility has not been determined.

Other Relevant Factors:

Safety of employees using public transportation and other related factors cannot be considered at this time as the facility is a new requirement and the location has not been determined.

**Expiration date of the D&F:**

The expiration date of the D&F would coincide with the expiration date of the lease for the new facility.

**Signature of the head of the agency or agency official authorized to act for the head of the agency authorized to sign the D&F and the date signed.**

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